

REMARKS

Claims 1-28 are all the claims presently pending in the application. Claims 20 and 23 are amended to more clearly define the invention. Claims 1, 8, and 20 are independent.

Applicant appreciates the courtesies extended to the Applicant's representative during a personal interview on June 28, 2005. During the personal interview, Examiner Nguyen agreed that none of the applied references teaches or suggests the features of the claimed invention including: 1) a transmitting circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part (claim 1); and 2) a detachable transmitting function part that conditions a transmission frequency signal received from the transmitting circuit (claims 1, 8, and 20).

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1-4, 6-12, and 14-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Thompson et al. reference in view of the Toya reference. Claims 5 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Thompson et al. reference in view of the Toya reference and in further view of the Crnkovic et al. reference.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a portable telephone set, including a detachable

transmission module, and a transmitting circuit adapted to transmit in a transmission frequency signal in accordance with instructions in a predetermined software program. The detachable transmitting module conditions the transmission frequency signal received from the transmitting circuit.

Conventional software portable telephone sets are reconfigurable for different transmission systems by replacing the operating program that is required by the wide-band active and passive components in order to cope with a plurality of different systems. However, any increase in frequency band coverage is accompanied by a corresponding deterioration in characteristics.

This deterioration is particularly evident on the transmission side of the system. More particularly, it has been particularly difficult to maintain a high efficiency for a transmitting power amplifier over a wide frequency band.

Similarly, it is difficult to increase frequency band coverage without loss in transmission signal filters and isolators.

The present invention overcomes these difficulties by providing a portable telephone set with a detachable transmission module that conditions a transmission frequency signal received from a transmitting circuit. In this manner, the present invention provides the ability to condition the transmission frequency signal which may have been generated by a wide band frequency generating circuit to correct any deficiencies in that transmission signal.

In one embodiment of the present invention, the conditioning performed by the detachable transmission module corresponds to a specific transmission system.

II. THE PRIOR ART REJECTIONS

A. The Examiner's continued refusal to answer all the material traversed

The Examiner continues to fail to comply with the clear requirements that are set forth in the Manual of Patent Examining Procedure. In particular, the Examiner has failed to comply with the requirements of the M.P.E.P. as set forth in § 707.07(f) by failing to answer all material traversed.

“Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.” (M.P.E.P. § 707.07(f), emphasis added).

Specifically, in the Request for Reconsideration that was filed on March 31, 2004, in the Amendment that was filed on July 14, 2003, AND during the December 2, 2004 personal interview, the Applicant pointed out that the Thompson reference does not teach or suggest a transmitting circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part.

The Examiner continues to fail to address this traversal.

Indeed, the Examiner does not mention anything at all regarding the repeated traversal which points out that rather than reconfiguring any transmission circuits, the Thompson reference discloses separate and independent application modules which each incorporate entire transmission circuits that are specifically configured for a corresponding type of transmission protocol. Thus, contrary to the Examiner's allegations, the Thompson reference does not teach or suggest reconfiguring anything, but instead discloses replacing application circuits, none of which are “reconfigured.”

Further, the Examiner not only fails to address this traversal, but also merely cut and

pasted the very same allegations regarding the Thompson reference from the May 7, 2003, Office Action, the January 15, 2004, Office Action, AND the August 12, 1004, Office Action into the currently pending Office Action.

Therefore, in view of the Examiner's continued refusal to answer the material traversed, Applicant respectfully submits that the Examiner is not furthering prosecution of the Applicant's patent application. As a result, the Examiner's continued rejection on this basis is clearly appealable and clearly reversible on appeal upon this basis.

Applicant respectfully requests that the Examiner address all material traversed as required by the M.P.E.P.

B. The Thompson reference in view of the Toya reference

Regarding the rejection of claims 1-4, 6-12, and 14-28, the Examiner alleges that the Toya reference would have been combined with the Thompson reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

As agreed by Examiner Nguyen during the June 28, 2005, personal interview, none of the applied references teaches or suggests the features of the claimed invention including: 1) a transmitting circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part (claim 1); and 2) a detachable transmitting function part that conditions a transmission frequency signal received from the transmitting circuit (claims 1, 8, and 20). As explained above, these features are important for providing the ability to condition the transmission frequency signal which may have been generated by a wide band

frequency generating circuit to correct any deficiencies in that transmission signal (see, for example, page 3, lines 3-15).

As repeatedly explained earlier, contrary to the Examiner's continued allegation, the Thompson reference does not teach or suggest a transmission circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part as recited by independent claim 1.

Indeed, the Thompson reference does not teach or suggest a transmission circuit that is reconfigured, let alone a transmission circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part.

The Examiner continues to cite col. 3, line 52 through col. 4, line 2 of the Thompson reference in an attempt to support the Examiner's allegation that the Thompson reference discloses a transmission circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part.

However, col. 3, line 52 through col. 4, line 2 of the Thompson reference clearly explains that none of the application modules or transmission circuits are reconfigured.

Rather, the Thompson reference very clearly explains that "separate application modules are available to allow maximum use of the electromagnetic energy spectrum. For example, one application module may allow the communication device to operate at the required frequency and with appropriate protocols for a convenient cellular telephone network. Another application module may have the required frequency and protocols to allow the communication device to function as a cordless telephone. . . . The present invention allows for simply removing one application module and inserting another application module to allow use of multiple communication networks by each personal

communication device.”

In other words, col. 3, line 52 through col. 4, line 2 of the Thompson reference clearly explains that each “separate” application module incorporates features and protocols for different networks. Therefore, rather than reconfiguring any transmission circuits, the Thompson reference discloses separate and independent application modules which each incorporate entire transmission circuits that are specifically configured for a corresponding type of transmission protocol.

Thus, contrary to the Examiner’s allegations, the Thompson reference does not teach or suggest reconfiguring anything, but instead discloses replacing application circuits, none of which are “reconfigured.”

Clearly, the Thompson reference does not teach or suggest the features of the claimed invention including a transmitting circuit that is reconfigured afresh in relation to the mounting and de-mounting of the transmitting function part as recited by independent claim 1.

The Examiner admits that the Thompson reference does not teach or suggest a detachable transmitting function part that conditions a transmission frequency signal received from the transmitting circuit.

The Toya reference does not remedy the deficiencies of the Thompson reference.

In view of the Examiner’s continued misunderstanding of the present invention exhibited by the Examiner, Applicant again respectfully submits that a brief review the claimed invention is appropriate.

The claims recite a software portable telephone “detachable transmitting function part” and “transmitting and receiving circuits.” The transmitting function part is detachable,

because it is detachable from the software portable telephone set and, in turn, the transmitting and receiving circuits.

The claims also recite that the detachable transmitting function part conditions a transmission frequency signal received from the transmitting circuit.

In other words, the detachable transmitting function part: 1) receives a transmission frequency signal; 2) from the transmitting circuit; and 3) conditions that transmission frequency signal.

These features are important because, as explained above, conventional software portable telephone sets include wide-band active and passive components in order to cope with a plurality of different systems. However, any increase in frequency band coverage is accompanied by a corresponding deterioration in characteristics.

This deterioration is particularly evident on the transmission side of the system. More particularly, it has been particularly difficult to maintain a high efficiency for a transmitting power amplifier over a wide frequency band.

Similarly, it is difficult to increase frequency band coverage without loss in transmission signal filters and isolators.

The present invention overcomes these difficulties by providing a portable telephone set with a detachable transmission module that conditions a transmission frequency signal received from a transmitting circuit. In this manner, the present invention provides the ability to condition the transmission frequency signal which may have been generated by a wide band frequency generating circuit to correct any deficiencies in that transmission signal.

The radio telephone that is disclosed by the Toya reference does not teach or suggest a detachable transmitting function part that: 1) receives a transmission frequency signal; 2)

from the transmitting circuit; and 3) conditions that transmission frequency signal.

Rather, the Toya reference discloses a detachable wireless telephone transmitter 4 that does not receive any transmission frequency signal at all, let alone from a transmitting circuit.

The wireless telephone transmitter 4 that is disclosed by the Toya reference clearly does not receive a transmission frequency signal as recited by the independent claims. Rather, the wireless telephone transmitter 4 that is disclosed by the Toya reference merely receives sound via a microphone 15.

Further, the wireless telephone transmitter 4 that is disclosed by the Toya reference does not receive a transmission frequency signal from a transmitting circuit.

Indeed, the Examiner does not allege that the Toya reference discloses a detachable transmission module that conditions a transmission frequency signal received from a transmitting circuit.

In this regard, the Examiner clearly fails to present a *prima facie* case of obviousness in this regard by failing to provide a reference that teaches or suggests all of the claim limitations.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. . . . Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (Emphasis added, M.P.E.P. § 2143).

The Examiner does not even allege that any prior art reference teaches or suggests a detachable transmission module that conditions a transmission frequency signal received from a transmitting circuit.

Therefore, the Examiner clearly has failed to present a *prima facie* case for

obviousness.

Further, the Examiner clearly mis-characterizes the Toya reference.

The Examiner alleges that “the transmission level detector 10 detects the voice signals picked up from microphone 15 and amplifies it [the voice signals] before transmitting the signals.”

However, in stark contrast to the Examiner’s allegation, not only does the Toya reference explain that the amplifier 9 does not amplify the voice signals, but actually teaches away from allowing the amplifier 9 to amplify such signals.

The Toya reference explains that the “receiving signal received through the mobile radio station is applied to the path of mobile radio station 2 - switch (8a in Fig. 1, 71 in Fig. 2) - amplifier 9 - speaker 11.” (Col. 3, lines 37 - 40). In this manner, the amplifier 9 amplifies the signal that is received from the mobile radio station 2 and NOT the voice signal that is received by the transmission level detector.

Indeed, the voice signal received by the transmission level detector 10 is never received by the amplifier 9. Rather, “the sound received by the microphone 15 is converted to a weak radio frequency signal by the FM transmitter set 14 and the transmission is made through the mobile radio station via the path of antenna 13b - antenna 13a - receiver set 12 - transmission level detector 10 - switch (8b in Fig. 1, 81 in Fig. 2). Thus, the Toya reference very clearly explains that the voice signal is NOT amplified by the amplifier 9.

Rather, the Toya reference explains that the transmission level detector 10 detects the transmission sound level from the wireless telephone transmitter and a noise level in the car to control the volume control unit 24 so as to prevent the sound from the speaker 11 going through the wireless telephone transmitter. (Col. 3, lines 42 - 48).

Nowhere within the Toya reference is there any disclosure of the amplifier 9 amplifying the voice signal as alleged by the Examiner.

Further, the Toya reference very clearly teaches away from allowing the amplifier 9 from amplifying the voice signal.

M.P.E.P. § 2145 X. D. 2. states:

“It is improper to combine references where the references teach away from their combination.” (Emphasis added).

The entire purpose and object of the invention that is disclosed by the Toya reference is to “prevent the problem of voice going rom the telephone receiver to the telephone transmitter.”

The Toya reference is directed to solving the “problem of a voice going from a speaker serving as a telephone receiver to a microphone serving as a telephone transmitter during the telephone reception and transmission. It is difficult, however, to sufficiently prevent this problem in the closed mobile space because of echo.” (Col. 1, lines 40 46).

The Toya reference explains that this problem is solved by the transmission level detector 10 detecting the transmission sound level from the wireless telephone transmitter and a noise level in the car to control the volume control unit 24 so as to prevent the sound from the speaker 11 going through the wireless telephone transmitter. (Col. 3, lines 42 - 48).

Therefore, the Toya reference very clearly teaches away from what the Examiner alleges that the Toya reference discloses.

Additionally, the Examiner demonstrates a clear disregard for the Applicant’s traversals because the Examiner clearly has merely cut and pasted the very same rejection from the May 7, 2003, Office Action, the January 15, 2004, Office Action, AND the August

12, 1004, Office Action into the currently pending Office Action.

While the Examiner carefully substituted the “Toya” in the rejection at every location where the “Buhrman” reference was previously referenced by the cut and pasted rejection, Examiner Nguyen did not bother to revise the column and line number citations in that rejection.

For example, the Examiner continues to cite column 7, lines 50-62 in an attempt to support the Examiner’s alleged motivation for modifying “Thompson’s system with Toya’s [previously “Buhrmann’s”] disclosed technique in order to provide a convenient software portable telephone set that can condition a transmission frequency signal with the detachable transmitting part as taught by Buhrmann (sic) for flexible application into other portable devices.”

However, the Examiner appears to have overlooked the fact that not only does the Toya reference not support the Examiner’s alleged motivation for modifying, but the Toya reference does not even have a column 7.

Further, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, the Thompson reference is directed to addressing the need for providing a communication system with enhanced data handling, secure two-way communication, and enhanced information presentation along with an easy to operate and understand communication device (col. 2, lines 43-48).

In stark contrast, the Toya reference is specifically directed to the completely different and unrelated problems of providing a highly sensitive mobile radio telephone system which

does not impede driving operation and prevents the problem of a voice going from the telephone receiver to the telephone transmitter. (col. 1, lines 49 - 54).

One of ordinary skill in the art who was concerned with providing a communication system with enhanced data handling, secure two-way communication, and enhanced information presentation along with an easy to operate and understand communication device as the Thompson reference is concerned with providing would not have referred to the Toya reference because the Toya reference is concerned with the completely different and unrelated problem of providing a highly sensitive mobile radio telephone system which does not impede driving operation and prevents the problem of a voice going from the telephone receiver to the telephone transmitter. Thus, the references would not have been combined.

Further, Applicant submits that the Examiner can point to no motivation or suggestion in the references to urge the combination as alleged by the Examiner.

The Examiner alleges that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thompson’s system with Toya’s disclosed technique in order to provide a convenient software portable telephone set that can condition a transmission frequency signal with the detachable transmitting part as taught by Toya (sic) for flexible application into other portable devices (col. 7/lines 50-62). This is also served as a motivation for having a detachable transmitting part within the portable communication device.”

However, the Examiner’s citation to column. 7, lines 50-62 is completely baseless. The Toya reference does not have a column 7.

Lastly, with respect to claims 21-28, the Examiner merely alleges that “these claims are rejected for the reasons given in the scope of claims 1-4, 6-12, and 14-20 as disclosed

above, not limited to the paragraphs of Thompson (sic) and Toya (sic) but also to the entire disclosure of them.”

The Examiner’s rejection is clearly improper and unsupportable, as the Office Action did not explain the pertinence of these references to the specific elements which are recited by the claims being rejected, as required by M.P.E.P. § 707.5.

Indeed, the Examiner’s statement completely fails to address the features of the invention which are recited by claims 21-28. The Examiner has completely failed to allege that any of the applied references teaches the features of the present invention as recited by the claims 21-28.

The Examiner’s rejection also fails to comply with 37 C.F.R. §1.104(c)(2) which requires that “the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.”

In this case, not only has the Examiner failed to cite the particular portion of the applied references which may have been relied upon, but the Examiner has also failed to clearly explain the pertinence of the applied references to each rejected claim.

To assist Applicants’ understanding, Applicants hereby respectfully request that the Examiner comply with the requirements of M.P.E.P. § 707.05 by explaining in detail the correspondence between the specific features recited by claims 21-28 and the particular portions of the applied references.

Note that MPEP 707.05 states:

“During the examination of an application or reexamination of a patent, the examiner should cite appropriate prior art which is nearest

to the subject matter defined in the claims. When such prior art is cited, its pertinence should be explained"

The Examiner is required to withdraw the rejection of claims 1-4, 6-12, and 14-28.

C. The Thompson reference in view of the Toya reference and in further view of the Crnkovic et al. reference

Regarding the rejection of claims 5 and 13, the Examiner alleges that the Toya reference would have been combined with the Thompson reference and further that the Crnkovic et al. reference would have been combined with the combination of the Thompson reference and the Toya reference to form the claimed invention.

Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

As explained above, neither of the Thompson or Toya references teaches or suggests the features of the claimed invention including: 1) a transmitting circuit that is reconfigured afresh in relation to the mounting and demounting of the transmitting function part (claim 1); and 2) a detachable transmitting function part that conditions a transmission frequency signal received from the transmitting circuit (claims 1, 8, and 20).

The Crnkovic et al. reference does not remedy the deficiencies of the Thompson reference and the Buhrmann et al. reference.

Rather, as explained in the previous THREE Amendments, the Crnkovic et al. reference does not teach or suggest the feature of a detachable transmitting module that conditions the transmission frequency signal received from a transmitting circuit. Indeed, the

Crnkovic et al. reference appears to disclose that the transmitter 101 generates its own transmission frequency signal using the signal generator 111 and that the remaining components of the transmitter 101 all remain within the transmitter 101.

Further, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

In stark contrast to the Thompson reference and the Toya reference, the Crnkovic et al. reference is concerned with the completely different and unrelated problem of attenuating an undesired signal in a portable radio transceiver (col. 2, lines 61-64) by providing a transmitter that produces an undesired signal including a frequency substantially equal to the receiver operating frequency (col. 3, lines 25 - 32) and electrically isolating first and second antennas from each other by a predetermined degree of electrical isolation to attenuate the undesired signal (col. 3, lines 33-38).

One of ordinary skill in the art who was concerned with providing a communication system with enhanced data handling, secure two-way communication, and enhanced information presentation along with an easy to operate and understand communication device as the Thompson reference is concerned with providing or who was concerned with providing a highly sensitive mobile radio telephone system which does not impede driving operation and prevents the problem of a voice going from the telephone receiver to the telephone transmitter as the Toya reference is concerned with would not have referred to the Crnkovic et al. reference because the Crnkovic et al. reference is concerned with the completely different and unrelated problem of attenuating an undesired signal in a portable radio transceiver. Thus, the references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 5 and 13.

III. FORMAL MATTERS AND CONCLUSION

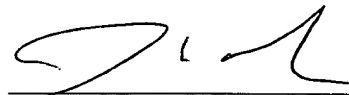
In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-28, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 6/30/05



James E. Howard
Registration No. 39,715

McGinn & Gibb, PLLC
8321 Old Courthouse Rd., Suite 200
Vienna, Virginia 22182
(703) 761-4100
Customer No. 21254